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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MARC WOLSTENHOLME,
Plaintiff,
v.
RIOT GAMES, INC.,
Defendant.

Case No. 2:25-cv-00053-FMO-BFM

Hon. Fernando M. Olguin

DECLARATION OF JOSHUA M. GELLER IN SUPPORT OF MOTION TO DISMISS COMPLAINT PURSUANT TO FRCP 12(B)(6) OR, IN THE ALTERNATIVE, FOR MORE DEFINITE STATEMENT PURSUANT TO FRCP 12(E)

Date: February 13, 2025
Time: 10:00 a.m.
Crtrm: 6D

[Notice of Motion and Motion to Dismiss and [Proposed] Order filed concurrently herewith]

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DECLARATION OF JOSHUA M. GELLER

I, Joshua M. Geller, declare:

1. I am an attorney duly licensed to practice in all the courts of the State of California and I am counsel of Greenberg Glusker Fields Claman & Machtinger LLP, attorneys of record for Defendant Riot Games, Inc. (“Riot”). The facts set forth herein are of my own personal knowledge and if sworn I could and would testify competently thereto under oath. I submit this declaration in support of Riot’s Motion to Dismiss the Complaint filed by Plaintiff Marc Wolstenholme (“Wolstenholme”) for failure to state a claim pursuant to Fed. R. Civ. Pro. 12(b)(6) or, in the alternative, for a more definite statement pursuant to Fed. R. Civ. Pro. 12(e).

2. Over the past several weeks, Wolstenholme has emailed me various correspondence that he titles “Complaints” for copyright infringement, vicarious copyright infringement, unfair competition claims, and intentional infliction of emotional distress. Some of these are included in the body of his emails, and some are included in attachments. Each version sent has differed from each other.

3. On December 5, 2024, Wolstenholme effectuated service of a Summons and Complaint on Riot. After service, I checked the docket for the Los Angeles Superior Court action, Case No. 24-STCV-28643 (the “Superior Court Action”) and confirmed that the only version of the Complaint on file is the document that was included with Riot’s Notice of Removal, Exhibit A. Since that time, I have repeatedly checked the Superior Court docket to confirm whether any other version of the Complaint had been filed, and none have as of today.

4. On December 17, 2024, I emailed Wolstenholme and stated: “I wanted to let you know that it appears the full Complaint you served on us has not yet been filed with the Court. Based on the docket, the only document on file is the attached short-form Complaint—not the longer, narrative version you emailed to us.” I included a screenshot of the Superior Court docket and encouraged Wolstenholme

1 to “check with the Court clerk to ensure everything is in order and that your full
2 Complaint is on file in the Court’s records.” A true and correct copy of that email
3 is attached as **Exhibit A**.

4 5. On December 17, 2024, Wolstenholme responded to my email. He
5 stated: “You’re right, I did file an earlier version of the long form in October 2024
6 but then had to convert it to the proper short forms to have the cases approved and
7 sealed. I needed the cases filed within three years for the statute of limitations. . . . I
8 plan to snowball my complaints for many reasons, one being because of the wider
9 damage and implications of these complaints and because of the vulnerabilities of
10 myself and of others used by Riot to hide IP theft, mainly children.” Wolstenholme
11 continued by stating: “The complaint I served on you dated 04/12/2024 is an update
12 of the long complaint. I’ll be wanting to update it further and I’ll present evidence
13 with it. I’ll be converting the complaints, motions, answers, declarations, briefs and
14 evidence to plead paper, as that’s how you do things in America.” A true and
15 correct copy of that email response is attached as **Exhibit B**.

16 6. Since December 17, Wolstenholme has continued to send emails to me
17 that he identifies as “Complaints,” but these do not appear on any Court docket and
18 do not appear to have been filed.

19 7. On December 31, 2024, I emailed Wolstenholme and informed him
20 that Riot planned to remove his case from Los Angeles Superior Court to this Court
21 because he had alleged claims for copyright infringement, which are subject to this
22 Court’s exclusive jurisdiction. I also informed him that Riot intended to file the
23 instant motion to dismiss or for more definite statement. I stated: “As you know,
24 the complaint you filed in Los Angeles Superior Court is only a ‘short form’
25 complaint which does not contain any details about your allegations. The various
26 longer versions of your complaint that you have emailed us have not been officially
27 filed with the Court, and therefore they are not pleadings in the case that may be
28 relied upon. Accordingly, you have not complied with the pleading standard of

1 Federal Rule of Civil Procedure 8(a), which requires, among other things, a legally
2 sufficient statement of your claims.” I stated that my email was intended to be a
3 meet and confer pursuant to Local Rules 7-3. A true and correct copy of that
4 correspondence is attached as **Exhibit C**.

5 8. On January 1, 2025, Wolstenholme responded to me and stated, among
6 other things: “As I understand it, the long form didn't need to be filed in the final
7 form till after the litigation discovery plan? I can file the long form” A true
8 and correct copy of that response is attached as **Exhibit D**.

9 9. Wolstenholme has still not filed any longer, narrative version of his
10 Complaint. After more correspondence, I met and conferred telephonically with
11 Wolstenholme on January 9, 2025. I reiterated the basis for the instant motion.
12 Wolstenholme informed me, among other things, that a filing he submitted to the
13 Superior Court had been rejected, and that he intended to file a further complaint.
14 However, as of today, he has not done so.

15
16 I declare under penalty of perjury under the laws of the State of California
17 that the foregoing is true and correct.

18 Executed this 10th day of January, 2025 at Los Angeles, California.

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21 /s/ Joshua M. Geller

22 Joshua M. Geller
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